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4 **UNITED STATES DISTRICT COURT**  
5 **DISTRICT OF NEVADA**

6 WILBER GLENN HOLLAND,  
7

8 Plaintiff,

9 v.

10 STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY,

11 Defendant.  
12

Case No. 2:12-cv-01058-LDG-GWF

ORDER

13 This matter comes before the court on defendant's motion for attorney's fees and  
14 interest (#56, opposition #57, reply #58). NRS 17.115 is the applicable law regarding an  
15 award of attorney's fees. See Kalenowsky v. Canyon Capital Funding Corp., 3:11-cv-0797-  
16 RCJ-VPC, 2013 WL 5741083 \*3(D. Nev. Oct. 22, 1013). In determining whether to grant  
17 attorney's fees to the party that obtains a result better than its offer of judgment, one of the  
18 court's considerations is whether the offeree's decision to reject the offer "was grossly  
19 unreasonable or in bad faith." Beattie v. Thomas, 668 P.2d 268, 274 (Nev. 1983). The court  
20 cannot say that defendant has so shown. The authority cited by defendant in arguing that  
21 plaintiff should be precluded from recovery because he refused to provide requested  
22 medical authorizations was persuasive but not controlling. Moreover, the court determined  
23 to allow discovery to proceed several months after defendant issued its offer of judgment,  
24 which allowed defendant to discover or move to compel the information plaintiff had not  
25 provided. This ruling arguably reduced the prejudicial impact to defendant of plaintiff's  
26 nondisclosure of the full extent of his medical condition. Under these circumstances,

1 THE COURT HEREBY ORDERS that defendant's motion for attorney's fees and  
2 interest (#56) is DENIED.

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4 DATED this 26 day of March, 2015.

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Lloyd D. George  
United States District Judge  
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